IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

OP.No. 38033 of 2002(C)

PETITIONER:

NAKUNNI, S/O. LATE RAMAN,
AGED 76, PEZUMKODE, THOLANNUR AMSOM,
ALATHUR TALUK, PALAKKAD.

BY ADV. SRI.ZAKEER HUSSAIN
SRI.N.MANOJ KUMAR

RESPONDENTS:
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1. STATE OF KERALA,REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM

2. DIVISIONAL FOREST OFFICER,
NEMMARA, PALAKKAD.

3. CUSTODIAN AND CONSERVATOR OF FORESTS
(VESTING AND ASSIGNNMENT) OLAVAKKODE, PALAKKAD.

BY SPECIAL GOVERNMENT PLEADER (FOREST) MR.RENJITH THAMPAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.38033 OF 2002

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE PARTITION DEED DATED 8.10.1974

EXT.P2 TRUE COPY OF THE ORDER IN MFA NO.340 OF 1981 DATED 4.11.1982

EXT.P3 TRUE COPY OF THE TAX RECEIPT DATED 3.3.2001

EXT.P3(A) TRUE COPY OF THE TAX RECEIPT DATED 31.1.2002

EXT.P4 TRUE COPY OF THE CERTIFICATE DATED 14.3.2000 ISSUED BY THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF THE NOTIFICATION DATED 20.10.2000 ISSUED BY THE GOVERNMENT.

RESPONDENTS' EXHIBITS:

EXT.R1(A) NOTIFICATION NO.C4-21437/2000 DATED 26.8.2000 OF THE CUSTODIAN, THIRUVANANTHAPURAM PUBLISHED IN KERALA GAZETTE DATED 19.9.2000

EXT.R2(A) TRUE COPY OF NOTIFICATION.

/ TRUE COPY /

H.L.Dattu,C.J. & K.T.Sankaran,J.

O.P.No.38033 of 2002-C

Dated, this the 4th day of September, 2007

JUDGMENT

H.L.Dattu,C.J.

What is questioned in this Original Petition is the notification issued by the State Government dated 20th October, 2000 pursuant to promulgation of Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Ordinance, 2000.

(2) In our view, if for any reason the petitioner is aggrieved by the aforesaid notification, the same can be questioned by filing an appropriate application before the Tribunal constituted under the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act, 2003.

(3) In view of the above, without going into the other details of the case, the Original Petition is disposed of.

(4) However, liberty is reserved to the petitioner to question the inclusion of the lands belonging to the petitioner before the Tribunal by filing an appropriate application within forty five days from today. If such an application is filed within the time granted by this Court, the Tribunal shall consider the said application on its merits without reference to the period of limitation.

Consequently, C.M.P.No.64233 of 2002 is also dismissed.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-